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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re th	ne application of: Mikes, et al.	.)			
Serial	No.: 10/685,270)	Art Unit:	2883	
Filed:	October 14, 2003)))	Examiner:	Hughes, James P.	
For:	SYSTEM AND METHOD FOR USING CONCENTRIC SPECTROMETER TO MULTIPLEX OR DECMULTIPLEX OPTICAL SIGNALS)))	Docket No.:	10004278-1	

REPLY TO DECISION REFUSING STATUS UNDER 37 C.F.R. 1.47(a)

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In regard to the Decision Refusing Status Under 37 C.F.R. 1.47(a) mailed on August 1, 2005, Applicants submit the following remarks.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Agilent Technologies, Inc. Deposit Account No. 50-1078.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, with sufficient postage, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on 8-16-05

Signature: A, East

REMARKS

In the Decision Refusing Status Under 37 CFR 1.47(a) mailed on August 1, 2005, it is asserted that the Petition to Accept Declaration filed by Applicants on October 14, 2003, is dismissed because it allegedly lacks certain items specified in 37 C.F.R. §1.47(a). In particular, it is alleged that the Petition lacks: (1) proof that the non-signing inventor, Thomas Mikes, cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration, and (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116.

Since filing the Petition of October 14, 2003, Applicants have obtained a signed Declaration from inventor, Thomas Mikes. A copy of such Declaration was filed along with the First Response on March 17, 2005, and is submitted herewith along with a newly executed Declaration from the other inventor, Lian Xiang. Accordingly, it is unnecessary for Applicants to submit item (1). Further, it is believed that the documents submitted herewith satisfy 35 U.S.C. §§115 and 116. Therefore, Applicants respectfully request that the Patent office accept the Declarations submitted herewith and allow the instant application proceed to examination and issuance. In particular, Applicants request that the instant application be forwarded to the Examiner so that he may consider the First Response filed by Applicants on March 17, 2005.

If the Examiner has any questions or comments regarding this paper, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

By:

Jon E. Hofland Reg. No. 41,077

(256) 704-3900, Ext. 103

Agilent Technologies, Inc. 3500 Deer Creek Blvd. MS 26U-25 Palo Alto, CA 94304-1317

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION



ATTORNEY DOCKET NO. 10004278-1

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

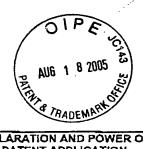
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the specification of wh	nich is attached here	to unless the followin	ng box is checked:			
was filed	on October 14, 200	3 as US Applicati	ion Serial No. or PCT Int	omodianal A		
Number <u>10/6</u>	85,270 and was a	amended on	(if applic	saple) Saple)	pplication	
I hereby state that I ha	ave reviewed and un ndment(s) referred t	derstood the contact	s of the above-identified dge the duty to disclose		n, including the claims, as on which is material to	•4
Foreign Application(s) and in the latest the	ority benefits under Tit id have also identified	lo 25 I lotted Cura	de Section 119 of any foreiç cation for patent or inventor	n application (s) certificate	(s) for patent or inventor(s) having a filing date before that	l of the
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Provisional Application						
i nereby daim the benefit	under Title 35, United	States Code Section 11	19(e) of any United States p	rovisional app	plication(s) listed below:	
	APPLICATION	SERIAL NUMBER	FILING	DATE		
U. S. Priority Claim						
I hereby claim the benefit subject matter of each of	under Title 35, United	States Code, Section 1	20 of any United States app	dication(s) list	ed below and, insofar as the	
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Rev 10/04 (DecPwr)

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (Continued)

ATTORNEY DOCKET NO. 10004278-1

Full Name of # 2 Joint Inventor: Lian Xiang Residence: Acton, MA, 01720 Post Office Address: 42 Quarry Road, Acton, MA, 01720	Citizenship: U.S.
Inventor's Signature	Date
Full Name of # Joint Inventor: Residence: Post Office Address:	Citizenship:
Inventor's Signature	Date
Full Name of # Joint Inventor: Residence: Post Office Address:	Citizenship:
Inventor's Signature	Date
Full Name of # Joint Inventor: Residence: Post Office Address:	Citizenship:
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Inventor's Signature	Date
Full Name of # Joint Inventor: Residence: Post Office Address:	Citizenship:
Inventor's Signature	Date
Full Name of # Joint Inventor: Residence: Post Office Address:	Citizenship:
Inventor's Signature	Date



DECLARATION AND FOR PATENT APPL			ORNEY	ATTORNE	Y DOCKE	T NO. 10004278-1
As a below named inve	ntor, I he	reby declar	e that:			
My residence/post office	e addres	s and citizer	rship are as stated bei	low next to my name:		
I believe I am the origin names are listed below	al, first a	nd sole inve ubject matte	entor (if only one name or which is claimed and	is listed below) or an ori	ginal, first a ught on the	and joint inventor (if plural a invention entitled:
SYSTEM AND METHO	DD FOR	using a c	ONCENTRIC SPECT	ROMETER TO MULTIPL	EX OR DE	MULTIPLEX OPTICAL
the specification of which	ch is atta	ched hereto	unless the following b	ox is checked:		
was filed on October 14, 2003 as US Application Serial No. or PCT International Application Number 10/685,270 and was amended on						
I hereby state that I hav	ve review dment(s)	ed and undi	estood the contents o	f the above-identified spe the duty to disclose all i	ecification.	including the claims, as which is material to
Foreign Application(s) at I hereby claim foreign prior certificate listed below and application on which priori	rity benefit I have also	is under Title identified be	35 United States Code !	Section 119 of any foreign a on for patent or inventor(s) o	cartificate ha	iving a filling date before that of the
COUNTRY		APP	LICATION NUMBER	DATE FILED		PRIORITY CLAIMED UNDER 34 U.S.C. 119
N/A						YES: NO:
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Provisional Application I hereby claim the benefit	under Title		States Code Section 119(e) of any United States prov		ication(s) listed below:
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subject matter of each of t	the claims	of this applic	ation is not disclosed in t = 442 seksovledge the	A M CORREST ASSOCIATED AS A MARKET	tomation as total the nation	defined in Title 37, Code of nat or PCT International filing date
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Full Name of Invento Residence: Wellingt Post Office Address:	on. FL. 3	3414	; , Wellington, FL, 334	114	Citizene	ship: US
Inventor's Signature					Date	

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (Continued)	ATTORNEY DOCKET NO. 10004278-1
Full Name of # Joint Inventor: Lian Xlang Residence: Acton, MA, 01720 Post Office Address: 42 Quarry Road, Acton, MA, 01720 Inventor's Signature	Citizenship: U.S.
Full Name of # Joint Inventor: Residence: Post Office Address:	Citizenship:
Investor's Signature	Date
Full Name of # Joint Inventor: Residence: Post Office Address:	Citizenship:
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Investor's Signature	Date
Full Name of # Joint Inventor: Residence: Post Office Address:	Citizenshlp:
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